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Of Attorneys for Defendants Maytag Corporation and Fedders Corporation

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DAVID AND MARGE BERG,

Plaintiffs,

v.

NORGE CORPORATION, et al.,
Defendants.

Case No. A00-151CV (JWS)

**DECLARATION OF SETH H. ROW IN
SUPPORT OF SECOND STIPULATED
MOTION FOR EXTENSION OF
PRETRIAL DEADLINES**

I, Seth H. Row, declare that:

1. I am one of the attorneys representing defendants Maytag and Fedders in this case.

I make this declaration based upon my personal knowledge of the matters set forth herein.

2. The parties in this matter are now engaged in settlement negotiations and discovery.

3. Documents that are critical to further settlement discussions (or for completion of discovery) in this matter are in the possession of third parties and discovery from those third parties is ongoing.

4. An accurate evaluation of the potential future costs related to the remediation of the contamination at issue (whether or not those costs are in fact damages suffered by plaintiffs) depends upon the results of testing that is being done simultaneously with the remediation, and extrapolation of those test results into the future. That testing is being done semi-annually when weather permits, with analysis being done months after the testing is done. In order to accurately predict the future course of the remediation it is necessary to have several years' worth of testing under the present remediation scheme. Waiting for additional testing to be done has delayed the parties' progress in settlement discussions.

5. In order to give the parties sufficient time to attempt to settle this matter or complete discovery, if needed, the parties request that the pre-trial deadlines in this matter be extended as set out in the enclosed motion.

6. This request for an extension of pre-trial deadlines is not made for the purpose of delay, and is made in good faith.

DATED this 17th day of November, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Seth H. Row

CERTIFICATE OF SERVICE


I hereby certify that I served the foregoing **DECLARATION OF SETH H. ROW IN SUPPORT OF SECOND STIPULATED MOTION FOR EXTENSION OF PRETRIAL DEADLINES** on the following person:

Michael W. Flanigan
Walther & Flanigan
1029 W. 3rd Avenue, Suite 250
Anchorage, AK 99501

by the following indicated method or methods:

- ☒ by mailing full, true and correct copies thereof in sealed, first class postage prepaid envelopes, addressed to the parties and/or their attorneys as shown above, the last-known office addresses of the parties and/or attorneys, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- ☐ by causing full, true, and correct copies thereof to be hand-delivered to the parties and/or their attorneys at their last-known office addresses listed above on the date set forth below.
- ☐ by sending full, true, and correct copies thereof, via overnight courier in sealed, prepaid envelopes, addressed to the parties and/or their attorneys as shown above, the last-known office addresses of the attorneys, on the date set forth below.
- ☒ by causing full, true, and correct copies thereof to be delivered via electronic mail to the parties and/or their attorneys at their last-known e-mail addresses listed above on the date set forth below
- ☐ by faxing full, true, and correct copies thereof to the fax machines which are the last-known fax numbers for the parties' and/or attorneys' offices, on the date set forth below.

DATED this 17th day of November, 2006.



Christopher W. Angius
Seth H. Row

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